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			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/631,806	Applicant(s) CANTERO BRANDES ET AL.	
	Examiner Ella Colbert	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-45 are pending in this communication filed 05/19/05 entered as Response to Election Restriction and Request for Extension of Time.

Answer to Arguments With Traverse

2. Applicants' election with traverse of claims 1-14 in the reply filed on 05/19/05 is acknowledged. The traversal is on the ground(s) that no reasoned statement has been proffered to Applicants' as to why the claims recited by the Examiner should pertain to distinct species and the application had already entered novelty examination before the requirements concerning election of species were issued and should be examined as such. Response: After consideration of Applicants' arguments, the Restriction is hereby withdrawn.
3. Applicants' are respectfully requested to resubmit the following foreign references because they are missing from Applicants' file: EP-A- 0940783; EP-A- 0785534; W0-A-96/13814; W0-A-97/45814; FR-A-2779896; EP-A-0986275; EP-A- 0950968; JP-A-08/249530; FR-A-2780800; DE-A-19806557; PCT Applications W0-A- 98/54678; W0-A-98/47116; and W0-A-98/06214. Foreign and non-patent references are required to be submitted for consideration. US patent references are not required to be submitted since they are easily accessible.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1 and 30-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It cannot be determined what Applicants' are trying to claim in claims 1 and 30-34. Claim 1, lines 9-15 recites "... that selectively communicate the first server ...; the telecommunication means the first data storage means ..." and lines 14-15, page 4 recite "admissible telephone number in said second data storage means, and for selecting one of the telecommunication equipments that communicates with a digital mobile telephone". These claim limitations are unclear as written. Do Applicants' mean "admissible telephone number in said second data storage means, and for selecting at least one of said telecommunication equipment that communicates with a digital mobile telephone"?

It is unclear what Applicants' are trying to claim in claim 30 reciting "identification codes of a plurality of vending machines each one of which includes a digital mobile telephone as a telecommunications terminal". Do Applicants' mean the digital mobile telephone is in the vending machines and a customer purchases the digital mobile telephone from the vending machine(s)?

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The claims have been examined the best that can be determined from the claim language. The Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the Specification (see below):

2111 Claim Interpretation; Broadest Reasonable Interpretation [R-1]

>CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). The court determined that to read a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from 'reading limitations of the specification into a claim,' to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim. "The court found that applicant was advocating the latter, e.g., the impermissible importation of subject matter from the specification into the claim).<

8. Claims 1-8 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,816,724) Asikainen in view of (US 5,887,266) Heinonen.

As per claim 1, Asikainen teaches, A system for processing payments and transactions between payers and payees associated to the system, using at least one communication by means of digital mobile telephony, the system comprising a first server interconnected with telecommunication means with first data storage means, and including account management means that process first data of an account of each associated payer and second data of an account of each associated payee (col. 2, lines 35-49 and col. 3, line 55-col. 4, line 3); the first telecommunication means that selectively communicate the first server with a digital mobile telephone unit identified by an admissible telephone number of an associated payer and with a telecommunication terminal identified by an admissible identification code of an associated payee; the telecommunication means (col. 6, line 60 –col. 7, line 19); the first server comprising (col. 2, lines 40-49); the safety criterion in the first information in first data storage means is associated univocally to the associated payer's telephone number (col. 3, line 55-col. 4, line 3), the third verifying means additionally verify in the first data storage

means whether a safety parameter received through the telecommunication means satisfies the safety criterion associated to the admissible telephone number detected by the first verifying means ((col. 5, lines 43-54); and the second data storage means further contain at least second information referring to type of digital mobile telephone apparatus corresponding to each telephone number; wherein the first server (col. 5, lines 43-54). Asikainen failed to teach, the first data storage means contain first information on each associated payer, said first information comprising at least the admissible telephone number, at least a pre-established authorization criterion for authorizing at least one transaction that requires a payment from the associated payer's account and at least a safety criterion associated univocally to the associated payer, as well as same second information on each associated payee that comprises at least the admissible identification code; first verifying means for verifying in the data storage means whether a first message received through the telecommunication means contains an admissible telephone number of an associated payer and an admissible identification code of an associated payee, said first verifying means generating a first acceptance message when they detect an admissible identification code and an admissible telephone number; second verifying means for verifying in the data storage means whether a transaction authorization request received through the telecommunication means, in addition to the admissible telephone number detected by the first verifying means, satisfies said pre-established authorization criterion, said second verifying means generating a second acceptance message when the authorization request satisfies said authorization criterion; third verifying means for

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verifying in the first data storage means whether a safety parameter received through the telecommunication means satisfies the safety criterion detected by the first verifying means, said third verifying means generating a third acceptance message when they detect that the safety parameter satisfies the safety criterion associated to the admissible telephone number; authorization means for authorizing the account management means on the basis of the authorization request, to process a debit in the associated payer's account and to process a corresponding credit in the associated payee's account as long as the first, second and third acceptance messages have been generated rejection message generating means for generating a rejection message when at least one of the acceptance messages has not been generated, and for transmitting the rejection message to the telecommunication means; confirmation message generating means for generating at least a confirmation message when at least one of the acceptance messages has been generated, and for transmitting said confirmation message to the telecommunication means, and for selective transmission of the confirmation message to the mobile telephone identified by the admissible telephone number in said first message, and to the telecommunication terminal identified by the admissible identification code; second data storage means that contain at least first information referring to the admissible telephone number of each payer; wherein, the first telecommunication means comprise a plurality of telecommunication equipments; and selecting means for verifying the second information corresponding to the digital mobile telephone unit, identified by the admissible telephone number in said second data storage means, and for selecting one of the telecommunication

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equipments that communicates with a digital mobile telephone identified by the admissible telephone number by means of a telecommunication service that is compatible with the type of digital mobile telephone identified in said second information.

Heinonen teaches, the first data storage means contain first information on each associated payer, said first information comprising at least the admissible telephone number, at least a pre-established authorization criterion for authorizing at least one transaction that requires a payment from the associated payer's account and at least a safety criterion associated univocally to the associated payer, as well as same second information on each associated payee that comprises at least the admissible identification code (col. 4, line 30-col. 5, line 47); first verifying means for verifying in the data storage means whether a first message received through the telecommunication means contains an admissible telephone number of an associated payer and an admissible identification code of an associated payee, said first verifying means generating a first acceptance message when they detect an admissible identification code and an admissible telephone number (col. 4, lines 26-35 and lines 59-66 and col. 6, lines 29-56); second verifying means for verifying in the data storage means whether a transaction authorization request received through the telecommunication means, in addition to the admissible telephone number detected by the first verifying means, satisfies said pre-established authorization criterion, said second verifying means generating a second acceptance message when the authorization request satisfies said authorization criterion (col. 4, line 59-col. 6, line 4 and lines 41-56); third verifying

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means for verifying in the first data storage means whether a safety parameter received through the telecommunication means satisfies the safety criterion detected by the first verifying means, said third verifying means generating a third acceptance message when they detect that the safety parameter satisfies the safety criterion associated to the admissible telephone number (col. 5, lines 48-59 and col. 6, lines 23-40);

authorization means for authorizing the account management means on the basis of the authorization request, to process a debit in the associated payer's account and to process a corresponding credit in the associated payee's account as long as the first, second and third acceptance messages have been generated (col. 5, line 43-col. 6, line 11); rejection message generating means for generating a rejection message when at least one of the acceptance messages has not been generated, and for transmitting the rejection message to the telecommunication means (col.6, lines 15-40); confirmation message generating means for generating at least a confirmation message when at least one of the acceptance messages has been generated, and for transmitting said confirmation message to the telecommunication means, and for selective transmission of the confirmation message to the mobile telephone identified by the admissible telephone number in said first message, and to the telecommunication terminal identified by the admissible identification code (col. 6, lines 41-56);

second data storage means that contain at least first information referring to the admissible telephone number of each payer (col. 6, lines 41-51); and wherein, the first telecommunication means comprise a plurality of telecommunication equipments: selecting means for verifying the second information corresponding to the

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digital mobile telephone unit, identified by the admissible telephone number in said second data storage means, and for selecting one of the telecommunication equipments that communicates with a digital mobile telephone identified by the admissible telephone number by means of a telecommunication service that is compatible with the type of digital mobile telephone identified in said second information (col. 4, line 26-col. 5, line 21). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Asikainen with Heinonen because such a combination would teach an electronic payment system in telecommunications that would provide mobile station payment mechanisms that would meet the needs of many users.

As per claim 2, Asikainen failed to teach, A system according to claim 1, wherein the admissible identification code of each payee is selected among a telephone number, a number related to a telephone number, an Internet code, a code representative of an Internet code, an e-mail address, and a code based on an e-mail address. Heinonen teaches, A system according to claim 1, wherein the admissible identification code of each payee is selected among a telephone number, a number related to a telephone number, an Internet code, a code representative of an Internet code, an e-mail address, and a code based on an e-mail address (col. 4, lines 30-35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Asikainen with Heinonen because such a combination would teach that by a user using a keypad the user can enter an identification number, telephone number, and select operations from the menus.

As per claim 3, Asikainen teaches, A system according to claim 1, wherein the first verifying means verify the payer's admissible telephone number from a code received through the telecommunication means, representative of said admissible telephone number and contained in the first data storage means (col. 4, lines 30-35 and lines 59-66).

As per claim 4, Asikainen teaches, A system according to claim 1, wherein the second acceptance message generates an order to the telecommunication means to transmit to the mobile telephone of a payer identified by the admissible telephone number, a first confirmation message that contains a request to transmit the safety parameter that is to be verified by the third verifying means against the safety criterion (col. 5, lines 2-27 and lines 43-54).

As per claim 5, Asikainen teaches, A system according to claim 4, wherein the second acceptance message further generates an order to the telecommunication means to communicate with the telecommunication terminal identified by the admissible identification code detected by the first verifying meant, to transmit a second confirmation message that confirms the generation of the first acceptance message (col. 6, lines 12-18).

As per claim 6, Asikainen teaches, A system according to claim 1, wherein the third acceptance message generated by the third verifying means generates an order to the telecommunication means to communicate with the telecommunication terminal identified by the admissible identification code detected by the first verifying means to

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transmit a third confirmation message that confirms the generation of the third acceptance message (col. 5, line 43-col. 6, line 11).

As per claim 7, Asikainen and Heinonen failed to teach, A system according to claim 1 or 6, wherein the third acceptance message generated by the third verifying means generates an order to the telecommunication means to communicate with the mobile telephone identified by the admissible telephone number detected by the first verifying means, and to transmit a fourth confirmation message that confirms the generation of the third acceptance message, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the third acceptance message generated by the third verifying means generates an order to the telecommunication means to communicate with the mobile telephone identified by the admissible telephone number detected by the first verifying means, and to transmit a fourth confirmation message that confirms the generation of the third acceptance message and to combine Asikainen and Heinonen because it would teach the user receiving a confirmation message that the order was generated and a fourth message telling the user that the third message had been generated for the mobile telephone communication.

As per claim 8, Asikainen teaches, A system according to claim 1, wherein the third acceptance message generated by the third verifying means generates a command to the account management means to process the debit in the payer's account and to process the corresponding credit in the payee's account (col. 6, lines 1-12 and line 60-col. 7, line 19).

As per claim 45, this independent claim is rejected for the similar rationale as given above for claims 1-8.

9. Claims 9-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,816,724) Asikainen and (US 5,887,266) Heinonen in view of (US 6,142,369) Jonstromer.

As per claim 9, Asikainen and Heinonen failed to teach, A system according to claim I, wherein the account management means control at least a first intermediate account of each payee contained in the first data storage means and in which each credit is made. Jonstromer teaches, wherein the account management means control at least a first intermediate account of each payee contained in the first data storage means and in which each credit is made (col. 1, line 63-col. 2, line 13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the account management means control at least a first intermediate account of each payee contained in the first data storage means and in which each credit is made to combine Asikainen and Heinonen with Jonstromer because it would teach storage means for storing electronic credits and routing means for routing the electronic credits.

As per claim 10, Asikainen and Heinonen failed to teach, A system according to claim 9, wherein the account management means comprise first transmission means for transmitting said credit to an administration and management server that comprises the payees' data bank in which all credits made in favor of each payee, are stored, the administration and management server transferring the credits contained in the data

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bank to financial entities that manage each payee's financial accounts. Jonstromer teaches, wherein the account management means comprise first transmission means for transmitting said credit to an administration and management server that comprises the payees' data bank in which all credits made in favor of each payee, are stored, the administration and management server transferring the credits contained in the data bank to financial entities that manage each payee's financial accounts (col. 5, lines 21-35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the account management means comprise first transmission means for transmitting said credit to an administration and management server that comprises the payees' data bank in which all credits made in favor of each payee, are stored, the administration and management server transferring the credits contained in the data bank to financial entities that manage each payee's financial accounts and to combine Asikainen and Heinonen with Jonstromer because it would teach that each transaction could be conducted so the credits are either debited or credited to the payees' account.

As per claim 11, Asikainen and Heinonen failed to teach, A system according to claim 1, which in the account management means control second intermediate accounts selected from prepayment accounts, debit accounts in real time and post-payment accounts, of the payers. Jonstromer teaches, A system according to claim 1, which in the account management means control second intermediate accounts selected from prepayment accounts, debit accounts in real time and post-payment accounts, of the payers (col. 3, lines 54-58 and col. 5, lines 21-35). It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to have the account management means control second intermediate accounts selected from prepayment accounts, debit accounts in real time and post-payment accounts, of the payers and to combine Asikainen and Heinonen with Jonstromer because it would teach that the banking terminal authenticates the electronic signature, debits the account of the payer and credits the account of the payee.

As per claim 12, Asikainen and Heinonen failed to teach, A system according to claim 11, wherein the prepayment accounts controlled by the account management means comprise an electronic purse previously created in the first data storage means for each buyer. Jonstromer teaches, A system according to claim 11, wherein the prepayment accounts controlled by the account management means comprise an electronic purse previously created in the first data storage means for each buyer (col. 5, line 46-col. 6, line 28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the prepayment accounts controlled by the account management means comprise an electronic purse previously created in the first data storage means for each buyer and to combine Asikainen and Heinonen with Jonstromer because it would teach an electronic purse which is a prepaid card that stores a prepaid monetary value on an embedded computer chip.

As per claim 13, Asikainen and Heinonen failed to teach, A system according to claim 1, wherein the authorization request comprises data regarding the value of the transaction, and wherein the pre-established authorization criterion verified by the second verifying means is selected among an available balance, a maximum credit limit

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and combinations thereof, established for each account of each payer. Jonstromer teaches, A system according to claim 1, wherein the authorization request comprises data regarding the value of the transaction, and wherein the pre-established authorization criterion verified by the second verifying means is selected among an available balance, a maximum credit limit and combinations thereof, established for each account of each payer (col. 6, lines 28-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the authorization request comprise data regarding the value of the transaction, and wherein the pre-established authorization criterion verified by the second verifying means is selected among an available balance, a maximum credit limit and combinations thereof, established for each account of each payer and to combine Asikainen and Heinonen with Jonstromer because it would teach a communications module which may be a mobile telephone with a smart card electronic wallet that can be used to control fund transfers from one bank account to another so that payment is achieved without debiting the electronic credits from those stored in the electronic wallet.

As per claim 14, Asikainen and Heinonen failed to teach, A system according to claim 8, wherein the account management means comprise second transmission means for transmitting said debit to an administration and management server that comprises a payers' data bank wherein all debits made against each payer are stored, the administration and management server transferring the credits contained in the payers' data bank to financial entities that manage each payer's financial accounts. Jonstromer teaches, A system according to claim 8, wherein the account management

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means comprise second transmission means for transmitting said debit to an administration and management server that comprises a payers' data bank wherein all debits made against each payer are stored, the administration and management server transferring the credits contained in the payers' data bank to financial entities that manage each payer's financial accounts (col. 1, line 63-col. 2, line 14 and line 30-col. 3, line 59). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the account management means comprise second transmission means for transmitting said debit to an administration and management server that comprises a payers' data bank wherein all debits made against each payer are stored, the administration and management server transferring the credits contained in the payers' data bank to financial entities that manage each payer's financial accounts and to combine Asikainen and Heinonen with Jonstromer because it would teach each payers' transferring of credits from storage to the financial institution managing the payers' financial account.

As per claim 15, Asikainen teaches, A system according to claim 1, wherein the safety criterion verified by the third verifying means is a secret identification code known by the payer and stored in the first data storage means (col. 3, line 55-col. 4, line 3).

As per claim 16, Asikainen failed to teach, A system according to claim 15, wherein the third verifying means directly verify whether the safety parameter contains the secret identification code. Heinonen teaches, wherein the third verifying means directly verify whether the safety parameter contains the secret identification code (col. 8, lines 50-61). It would have been obvious to one having ordinary skill in the art at the

time the invention was made to combine Asikainen and Heinonen because it would teach whether the identification code number has been given correctly and if it was not given correctly a request to re-enter the identification code number is asked of the user for security purposes.

As per claim 17, Asikainen and Heinonen failed to teach, A system according to claim 15, wherein the third verifying means verify whether the safety parameter contains an encrypted result of a self-verification carried out locally in the mobile telephone after direct entry of the secret identification code into the mobile telephone by the payer, by means of, decryption means for decrypting the encrypted result, on the basis of the secret identification code stored in the first data storage means. Jonstromer teaches, wherein the third verifying means verify whether the safety parameter contains an encrypted result of a self-verification carried out locally in the mobile telephone after direct entry of the secret identification code into the mobile telephone by the payer, by means of, decryption means for decrypting the encrypted result, on the basis of the secret identification code stored in the first data storage means (col. 1, lines 28-44 and col. 2, lines 21-33). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the third verifying means verify whether the safety parameter contains an encrypted result of a self-verification carried out locally in the mobile telephone after direct entry of the secret identification code into the mobile telephone by the payer, by means of, decryption means for decrypting the encrypted result, on the basis of the secret identification code stored in the first data storage mean and to combine Asikainen, Heinonen, and Jonstromer because it would teach the use of

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mobile telephones are well established with subscriber information in the form of smart cards and carries information about the mobile telephone subscriber and usually protected by a PIN (personal identity number), and include encryption algorithms and keys.

As per claim 18, Asikainen and Heinonen failed to teach, A system according to claim 4, wherein when the first message verified by the first verifying means is a message received from the telecommunication terminal, the second acceptance message generates an order to the telecommunication means to establish communication with the mobile telephone for requesting the payer identified by the admissible telephone number to transmit the safety parameter. Jonstromer teaches, wherein when the first message verified by the first verifying means is a message received from the telecommunication terminal, the second acceptance message generates an order to the telecommunication means to establish communication with the mobile telephone for requesting the payer identified by the admissible telephone number to transmit the safety parameter (col. 2, lines 25-55). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first message verified by the first verifying means as a message received from the telecommunication terminal, the second acceptance message generate an order to the telecommunication means to establish communication with the mobile telephone for requesting the payer identified by the admissible telephone number to transmit the safety parameter and to combine Asikainen, Heinonen, and Jonstromer because it would teach the transmission over a modern digital mobile telephone system which

uses encryption which is employed frequently by the use of asymmetric ciphers, which enable secure encryption.

As per claim 19, this dependent claim is rejected for the similar rationale as given above for claim 18.

As per claim 20, Asikainen failed to teach, A system according to claim 4, 18 or 19, wherein the second acceptance message further generates an order to the telecommunication means to transmit at least the value of the transaction and an identification of the payee, which are transmitted together with the message requesting the safety criterion. Heinonen teaches, wherein the second acceptance message further generates an order to the telecommunication means to transmit at least the value of the transaction and an identification of the payee, which are transmitted together with the message requesting the safety criterion (col. 10, lines 22-56 and fig. 4 a-1 (106)). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the second acceptance message further generates an order to the telecommunication means to transmit at least the value of the transaction and an identification of the payee, which are transmitted together with the message requesting the safety criterion. Heinonen teaches, wherein the second acceptance message further generates an order to the telecommunication means to transmit at least the value of the transaction and an identification of the payee, which are transmitted together with the message requesting the safety criterion and to combine with Asikainen because it would teach a modern digital mobile telephone system which uses encryption which is employed frequently by the use of asymmetric ciphers, which enable secure encryption

As per claim 21, Asikainen teaches, A system according to claim 1, wherein the first server processes a first message that furthermore contains an identification of an e-mail address, wherein the payee is a supplier of software files, and wherein the confirmation message generating means furthermore generate a further confirmation message that contains a decryption code of the software file, received from the payee in the first server, said further confirmation message being transmitted to the payer's mobile telephone (col. 3, lines 35-60 and col. 4, lines 29-37).

As per claim 22, Asikainen failed to teach, A system according to claim1, wherein the first server further comprises fast detecting means for detecting a first instruction to make a purchase with advance payment and collection code generating means, and wherein the confirmation message generating means also generate a complementary confirmation message that contains the collection code, said complementary confirmation message being transmitted to the payer's mobile telephone and to the payee's telecommunication terminal. Heinonen teaches, wherein the first server further comprises fast detecting means for detecting a first instruction to make a purchase with advance payment and collection code generating means, and wherein the confirmation message generating means also generate a complementary confirmation message that contains the collection code, said complementary confirmation message being transmitted to the payer's mobile telephone and to the payee's telecommunication terminal (col. 6, lines 23-40 and col. 7, lines 57-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first server further comprise fast detecting means for detecting a first

instruction to make a purchase with advance payment and collection code generating means, and wherein the confirmation message generating means also generate a complementary confirmation message that contains the collection code, said complementary confirmation message being transmitted to the payer's mobile telephone and to the payee's telecommunication terminal and to combine with Asikainen because this would teach identifying parameters that are transmitted when a purchase is made by the user with an advance payment and collection code.

As per claim 23, Asikainen teaches, A system according to claim 1, wherein the first data storage means further comprise, with respect to each payee, third information associated with said second information and that comprises data regarding products or services corresponding to each authorized transaction, end wherein the first server further comprises second detecting means for detecting a second instruction to manage a delivery in person corresponding to an authorized transaction and received from the telecommunication terminal being a payee's mobile telephone (col. 7, lines 3-13); delivery code generating means for generating a delivery code identifying at least a product or service to be delivered, and identification message generating means. identifying said product or service, and wherein the confirmation message generating means further generate an additional message that contains the delivery code, said additional message being transmitted to the payer's mobile telephone and to the payee's mobile telephone and the identifying message being transmitted at lease to the payer's mobile telephone along with a request to transmit the safety parameter (col. 7, lines 14-42), and delivery management processing means that, when the third verifying

scans have verified that the safety parameter satisfies the safety criterion associated to the payer's mobile telephone, generate an entry in a delivery note data base (col. 7, line 36-col. 8, line 5).

As per claim 24, Asikainen teaches, A system according to claim 1, wherein the first data Storage means also comprise fourth information associated to said second information and that comprise reference codes that identify the products or services of at least one payee, as well as a price associated to each product or service (col. 6, lines 60-67).

As per claim 25, Asikainen failed to teach, A system according to claim 24, wherein the fourth information also comprises a first selectable telephone number comprised of one of said reference codes and an identification code of the corresponding payee, and that constitutes the admissible identification code. Heinonen teaches, wherein the fourth information also comprises a first selectable telephone number comprised of one of said reference codes and an identification code of the corresponding payee, and that constitutes the admissible identification code (col. 8, lines 26-42). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the fourth information also comprises a first selectable telephone number comprised of one of said reference codes and an identification code of the corresponding payee, and that constitutes the admissible identification code and to combine Asikainen because this would teach the establishing a connection can take place by asking the user for a telephone number or by entering

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an identification number that is transmitted to the SIM card and the SIM examines the information as to whether it is correct.

As per claim 26, Asikainen failed to teach, A system according to claim 24, wherein the fourth information also comprises the admissible identification code in the form of a telephone number for access to the payee associated to at least a first menu comprised of the reference codes, the products or services identified respectively by each one of said reference codes and the price of said products or services. Heinonen teaches, wherein the fourth information also comprises the admissible identification code in the form of a telephone number for access to the payee associated to at least a first menu comprised of the reference codes, the products or services identified respectively by each one of said reference codes and the price of said products or services (col. 8, line 37 –col. 9, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the fourth information also comprise the admissible identification code in the form of a telephone number for access to the payee associated to at least a first menu comprised of the reference codes, the products or services identified respectively by each one of said reference codes and the price of said products or services and to combine Asikainen because this would teach the establishing a connection can take place by asking the user for a telephone number or by entering an identification number that is transmitted to the SIM card and the SIM examines the information as to whether it is correct.

As per claim 27, Asikainen failed to teach, A system according to claim 1, wherein the admissible identification code is an admissible access telephone number

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for accessing a second menu of with admissible identification codes of a plurality of associated payees, and wherein the first data storage means further comprise fifth information associated to said second information the fifth information comprising reference codes that identify products or services offered by each one of the associated payees the first information further comprising a price associated to each product or service. Heinonen teaches, wherein the admissible identification code is an admissible access telephone number for accessing a second menu of with admissible identification codes of a plurality of associated payees, and wherein the first data storage means further comprise fifth information associated to said second information the fifth information comprising reference codes that identify products or services offered by each one of the associated payees the first information further comprising a price associated to each product or service (col. 9, lines 25-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the admissible identification code is an admissible access telephone number for accessing a second menu of with admissible identification codes of a plurality of associated payees, and wherein the first data storage means further comprise fifth information associated to said second information the fifth information comprising reference codes that identify products or services offered by each one of the associated payees the first information further comprising a price associated to each product or service and to combine Asikainen because this would teach the establishing a connection can take place by asking the user for a telephone number or by entering an identification number

that is transmitted to the SIM card and the SIM examines the information as to whether it is correct.

As per claim 28, Asikainen failed to teach, A system according to claim 27, wherein the fifth information further comprises an admissible identification code composed of a first selectable telephone number comprised of one of said reference codes and an identification code of the payee. Heinonen teaches, wherein the fifth information further comprises an admissible identification code composed of a first selectable telephone number comprised of one of said reference codes and an identification code of the payee (col. 10, lines 17-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have wherein the fifth information further comprises an admissible identification case composed of a first selectable telephone number comprised of one of said reference codes and an identification code of the payee and to combine Asikainen because it would teach making a payment with the user entering a certain code which informs the application that a payment is being made by the payer to the payee.

As per claim 29, this dependent claim is rejected for the similar rationale as above for claims 24-28.

As per claim 30, Asikainen teaches, A system according to claim 1, wherein the second information in the first data storage means comprise identification codes of a plurality of vending machines each one of which includes a digital mobile telephone as a telecommunication terminal, identified by a mobile telephone number as an admissible identification code (col. 1, lines 34-40 and col. 2, lines 35-40); an authorization code

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associated to the admissible identification code of each vending machine (col. 2, lines 6-11); an activation code for activating the vending machine, associated to each authorization code that activates the vending machine for receiving a request from the payer identified by the admissible telephone number (col. 3, lines 23-54); and wherein the confirmation message generating means generate, when the first, second and third verifying means have respectively generated the first, second and third acceptance message, and transmit the confirmation message that comprises at least the code for activating the vending machine and the: admissible telephone number of the payer's mobile telephone (col. 3, line 55-col. 4, line 3 and col. 5, lines 9-17).

As per claim 31, this dependent claim is rejected for the similar rationale as above for claim 30.

As per claim 32, this dependent claim is rejected for the similar rationale as above for claim 30.

As per claim 33, this dependent claim is rejected for the similar rationale as above for claim 30.

As per claim 34, this dependent claim is rejected for the similar rationale as above for claim 30.

As per claim 35, this dependent claim is rejected for the similar rationale as above for claims 1, 5, and 22.

As per claim 36, this dependent claim is rejected for the similar rationale as above for claims 1, 5, 22, and 35.

As per claim 37, Asikainen teaches, A system according to any of claims 1, 35 or 36, wherein, in the first server, each second information contained in the second data storage means and referring to the type of digital mobile telephone corresponding to each admissible telephone number of each associated payer and each admissible identification code of each payee when the latter is a number of a digital mobile telephone, is a first identifying code being representative of the International Mobile Equipment Identifier (IMEI) (col. 5, lines 55-59 and col. 6, lines 39-49). This dependent claim is rejected for the similar rationale as given above for claims 3, 23, 25, 26, and 28.

As per claim 38, this dependent claim is rejected for the similar rationale as given above for claim 37.

As per claim 39, this dependent claim is rejected for the similar rationale as given above for claims 37 and 38.

As per claim 40, this dependent claim is rejected for the similar rationale as given above for claims 37-39.

As per claim 41, this dependent claim is rejected for the similar rationale as given above for claims 39-40.

As per claim 42, this dependent claim is rejected for the similar rationale as given above for claims 37-41.

As per claim 43, this dependent claim is rejected for the similar rationale as given for claims 37-42.

As per claim 44, this dependent claim is rejected for the similar rationale as given above for claims 37-43.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Vatanen (US 6,169,890) disclosed financial transactions using a mobile telephone system.

Griffith (US 6,195,542) disclosed utilizing a wireless telephone to function as a transaction device.

Flynn et al (US 5,223,699) disclosed a telecommunications network for recording and billing.

Berenato (US 5,400,395) disclosed a telephone line selection and accounting system.

Inquiries

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday-Thursday, 6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "E. Colbert", is positioned above the printed name.

E. Colbert

September 3, 2005